

## NTC TRIBAL SERVICES

**Tribal Services Department**

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### What is ICWA?

In the past, as recent as the 1970's, there was an alarming epidemic of non-native people taking Native children out of their homes, off reservations, and away from their families; resulting in a loss of Indian identity and culture. The mentality was "We (non-natives) can raise these (Indian) children better." It was such an issue that the Federal Government passed a law in 1978 (the Indian Child Welfare Act) preventing the removal of Indian children from their Tribe, and promoting the preservation of Native families and cultures.

Today this law is still enforced. If the State ever removes a Tribal member's children from their home, they are required to notify that Tribe. For Ninilchik Village Tribe, this applies **ONLY** when the Office of Children's Services (OCS) steps in and removes children from their home.

We, the Ninilchik Tribe, **DO NOT** remove children from their homes. In some situations, the State of Alaska, through OCS, does remove children from their home. It is at this point that ICWA laws apply. The State **MUST** notify the Tribe that a member's children have been removed from their home.

We, the Ninilchik Tribe, **DO NOT** license foster homes. Only the State of Alaska licenses foster homes for our area. Often, we are asked for names of family members that the State checks with to take in children, but NTC does **NOT** place children. Only the State interviews and licenses homes.

Once the Tribe is notified, we can intervene in the case, be party to the case, and advocate for the Courts to follow ICWA laws. These laws mandate that the best interest of the child comes first. In any removal of Indian children from their home, priority for foster placement is:

- #1 – With a member of the Indian child's extended family
- #2 – With another member of the Indian child's tribe
- #3 – With another Indian family
- #4 – With an institution for children approved by the Indian tribe

In the case of an Indian child, there is also a higher standard of proof to remove a child from the child's home. The federal law states that an Indian child may only be removed in order to prevent imminent physical damage or harm to the child. There can also be no termination of parental rights without a court's determination, supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent is likely to result in serious emotional or physical damage to the child.

ICWA laws also demand that the State go above and beyond the efforts taken to reunite other families. In a non-ICWA case, the State provides reasonable efforts to reunite the family, but in an ICWA case the State must provide ACTIVE efforts. This means the State social worker must actively help the parent through the steps of the case plan and help the parent develop the skills necessary to retain custody.

NTC's ICWA worker, following our ICWA Committee's recommendations, not only advocate for the Courts to apply these more strict laws, but we also provide additional services to these families. We often initiate referrals for parents and children that need outside help, coordinate various demands by State agencies and assist scheduling meetings, appointments, etc. We also visit families at their home to provide support and help the family stay organized and on track. Often, we are more able to relate to parents than a State social worker, most often growing very close with the family and becoming very invested in their success. We are not the 'bad guys.' Our job is to help the family to follow the State's plan for reunification, as well as ensure the State follows the ICWA laws. We are the 'good guys' helping to keep Indian children connected to their Indian culture; coordinating with parents, children, and the State for the preservation of our Tribe.

If you should have any questions or concerns regarding our ICWA program, or are interested in working with the State to become a licensed foster home for our Native children in need, please feel free to call Michelle at 567-3313 ext 1010; or Christina, Tribal Services Supervisor, at 567-3313 ext1008.